

FORM-PTO-1390  
(Rev. 9-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

022701-966

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

10/018,786

INTERNATIONAL APPLICATION NO.  
PCT/FR00/01725INTERNATIONAL FILING DATE  
21 JUNE 2000PRIORITY DATE CLAIMED  
22 JUNE 1999

## TITLE OF INVENTION

A VIRULENT XANTHOMONAS-CAMPESTRIS STRAINS PRODUCING XANTHAN

## APPLICANT(S) FOR DO/EO/US

Jerome PIERRARD et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Transmittal Letter; Paper Copy of Sequence Listing (3 pgs.); Declaration Under 37 C.F.R. 1.821-1.825; Reply and Copy of Missing Requirements Notification.



21839

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/G18,786</b>		INTERNATIONAL APPLICATION NO. <b>PCT/FR00/01725</b>		ATTORNEY'S DOCKET NUMBER <b>022701-966</b>	
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21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS	PTO USE ONLY
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1,040.00 (960) International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$890.00 (970) International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00 (958) International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00 (956) International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 (962)					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				\$	
Surcharge of <b>\$130.00 (154)</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). 20 <input type="checkbox"/> 30 <input checked="" type="checkbox"/>				\$	130.00
Claims	Number Filed	Number Extra	Rate		
Total Claims	-20 =		X\$18.00 (966)	\$	
Independent Claims	-3 =		X\$84.00 (964)	\$	
Multiple dependent claim(s) (if applicable)			+ \$280.00 (968)	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	130.00
Reduction for 1/2 for filing by small entity, if applicable (see below).				+	\$ -
<b>SUBTOTAL =</b>				\$	130.00
Processing fee of <b>\$130.00 (156)</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). 20 <input type="checkbox"/> 30 <input type="checkbox"/>				+	\$
<b>TOTAL NATIONAL FEE =</b>				\$	130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (581)</b> per property				+	\$ 40.00
<b>TOTAL FEES ENCLOSED =</b>				\$	130.00
				<b>Amount to be refunded:</b>	\$
				<b>charged:</b>	\$

a. ☐ Small entity status is hereby claimed.

b. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.

c. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \$          to cover the above fees. A duplicate copy of this sheet is enclosed.

d. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Norman H. Stepno, Esq.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

SIGNATURE  
**TERESA STANEK REA**  
 NAME  
 30,427  
 REGISTRATION NUMBER  
 JUNE 26, 2002  
 DATE

06/28/2002 SHAIARSD 00000087 10018786

01 FC:154

130.00 OP

by Reg. No. 34,040

**PTOMPST ROOM 26 JUN 2002**

Patent  
Attorney's Docket No. 022701-966

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
Jerome PIERRARD et al	)	Group Art Unit: Not yet assigned
	)	
Serial No.: 10/018,786	)	Examiner: Not yet assigned
	)	
Filed: December 21, 2001	)	<b>ATTENTION: BOX SEQUENCE</b>
	)	
For: Avirulent Xanthomonas-Campestris	)	
Strains Producing Xanthan	)	

**TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In complete response to the Notification of Missing Requirements Under 35 U.S.C.  
371 dated April 26, 2002, enclosed please find:

- [X] A copy of the "Sequence Listing" in computer readable form in compliance with  
37 C.F.R. §§1.823(b) and 1.824.
- [X] A statement that the content of the paper and computer readable copies are the  
same as set forth in 37 C.F.R. §1.821(f).

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R.  
§§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment to Deposit  
Account No. 02-4800. A duplicate copy of this paper is enclosed.

Respectfully submitted,

P.O. Box 1404  
Alexandria, VA 22313-1404  
(703) 836-6620

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 26, 2002

By Teresa Stanek Rea  
Teresa Stanek Rea

Registration No. 30,427

by Rad R. W. [Signature] Reg. No. 34,040



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/018,786	Jerome Piarrard	022701-966

INTERNATIONAL APPLICATION NO.
PCT/FR00/01725

I.A. FILING DATE	PRIORITY DATE
06/21/2000	06/22/1999

21839  
BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

CONFIRMATION NO. 1914

371 FORMALITIES LETTER



\*OC000000007954772\*

Date Mailed: 04/26/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

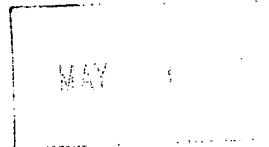
The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

*Phosphor-Chimie*

*NHS / TSP*

*Cur*



*155*

*5/2/02*

*7/7/02*

*Declaration due 4/26/02*  
*Sequence listing due 4/26/02*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
  - APPLICANT MUST PROVIDE:
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/018,786	PCT/FR00/01725	022701-966